

ORIGINAL

1 JEFFREY A. TOPOR (SBN 195545)
jtopor@snllp.com
2 ARVIN C. LUGAY (SBN 242599)
alugay@snllp.com
3 SIMMONDS & NARITA LLP
44 Montgomery Street, Suite 3010
4 San Francisco, CA 94104-4816
Telephone: (415) 283-1000
5 Facsimile: (415) 352-2625

6 Attorneys for defendants
Hunt & Henriques, Michael S. Hunt,
7 Janalie Henriques, Kurtiss A. Jacobs

8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 WESTERN DIVISION

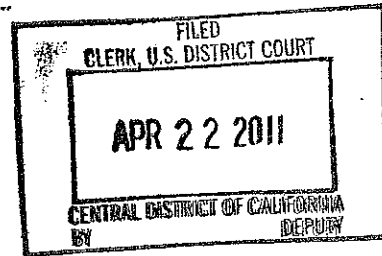
12 JUDITH E. GREENBERG,

13
14 Plaintiff,

15 vs.
16

17
18 *Hunt & Henriques, A law*
19 *Partnership: Michael S.*
20 *Hunt, Janalie Henriques:*
21 *Kurtiss A. Jacobs*
22 *And Does 1 Through 20*
23 *Defendants*
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27
28

CASE NO. **CV11-3469** *JAN*
(JCX)
**NOTICE OF REMOVAL ON
BEHALF OF ALL DEFENDANTS**



FILED BY FAX

1 JEFFREY A. TOPOR (SBN 195545)
jtopor@snllp.com
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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 WESTERN DIVISION

12 JUDITH E. GREENBERG,

13
14 Plaintiff,

15 vs.

16
17 HUNT & HENRIQUES, MICHAEL
S. HUNT, JANALIE HENRIQUES,
18 KURTISS A. JACOBS,

19 Defendants.
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CASE NO.:

**NOTICE OF REMOVAL ON
BEHALF OF ALL DEFENDANTS**

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that defendants Hunt & Henriques, a California
3 partnership, Michael S. Hunt, a natural person residing in California, Janalie
4 Henriques, a natural person residing in California, and Kurtiss A. Jacobs, a natural
5 person residing in California, ("Defendants") hereby remove to this Court the state
6 court action described below.

7 1. On March 17, 2011 a complaint was filed against Defendants by
8 plaintiff Judith E. Greenberg ("Plaintiff"), in an action pending in the Superior
9 Court of the State of California in and for the County of Ventura, entitled *Judith E.*
10 *Greenberg v. Hunt & Henriques, et al.*, Case No. 56-2011-00393482-CU-BT-VTA.
11 A copy of the state court complaint ("Complaint") is attached hereto as **Exhibit A**.

12 2. This removal petition is timely under 28 U.S.C. § 1446(b) because
13 Hunt & Henriques was first served with a copy of the Complaint on March 23,
14 2011, and the other defendants were served thereafter. A copy of the proof of
15 service is attached hereto as **Exhibit B**.

16 17 JURISDICTION

18 3. This action is a civil action of which this Court has original
19 jurisdiction under 28 U.S.C. § 1331 and that may be removed to this Court by
20 Defendants pursuant to the provisions of 28 U.S.C. § 1441(b) in that the Complaint
21 asserts federal claims against Defendants allegedly arising under 15 U.S.C. § 1692
22 *et seq.* (the Fair Debt Collection Practices Act). *See* Exhibit A, ¶ 11.

23 24 VENUE

25 4. The Complaint was filed in the Superior Court of the State of
26 California, County of Ventura. Venue in the Western Division of this District
27 Court is proper. *See* 28 U.S.C. § 1441(a) (providing for removal "to the district
28 court of the United States for the district and division embracing the place" where

1 the state court action is pending); 28 U.S.C. § 84(c)(2) (Central District, Western
2 Division comprises, *inter alia*, the County of Ventura).

3 5. Defendants are represented by the undersigned.

4
5 DATED: April 22, 2011

SIMMONDS & NARITA LLP
JEFFREY A. TOPOR
ARVIN C. LUGAY

6
7
8
9 By: 

Arvin C. Lugay
Attorneys for defendants
Hunt & Henriques, Michael S. Hunt,
Janalie Henriques, Kurtiss A. Jacobs

Exhibit A

ORIGINAL

1 Raymond A. Greenberg, SBN 43394
2 Raylaw43@msn.com
3 RAYMOND A. GREENBERG, ATTORNEY AT LAW
4 1521 LaVenta Road
5 Westlake Village, CA 91361
6 Telephone: 805-373-5260
7 Facsimile: 805-494-8312
8 Attorney for Plaintiff JUDITH E. GREENBERG

VENTURA
SUPERIOR COURT
FILED

MAR 17 2011

MICHAEL D. FLANNETT
Executive Officer and Clerk
BY: ERIN PATTERSON Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF VENTURA

10
11 JUDITH E. GREENBERG,

12 Plaintiff

13 v.

14 HUNT & HENRIQUES, A LAW
15 PARTNERSHIP; MICHAEL S.
16 HUNT; JANALIE HENRIQUES;
KURTISS A. JACOBS AND DOES
1 THROUGH 20

17 Defendants

CASE NO. 56-2011-00393482-CU-BT-VTA

COMPLAINT FOR MONEY
(NEGLIGENCE; BREACH OF
STATUTORY DUTY)
(UNLIMITED JURISDICTION)

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23 PLAINTIFF ALLEGES AS FOLLOWS:

24 GENERAL ALLEGATIONS

- 25 1. That at all times relevant hereto, Plaintiff has been and is a resident of the City of Thousand
26 Oaks, County of Ventura, State of California.
27 2. That the facts and circumstances that are the basis of Plaintiff's claims herein occurred in
28 the County of Ventura, State of California.

- 1 3. That the true names and capacities of the Defendants herein designated as Does 1 through 20
2 are unknown to Plaintiff at this time. Plaintiff will amend this Complaint to state the
3 true names and capacities of such fictitiously named defendants when ascertained. Plaintiff
4 is informed and believes and thereon alleges that such fictitiously named Defendants, and
5 each of them, are liable to Plaintiff by reason of the facts and circumstances herein alleged.
- 6 4. That Plaintiff is informed and believes and thereon alleges that Defendant Hunt and
7 Henriques is a general partnership with its principal place of business in the City of San
8 Jose, State of California. Plaintiff is further is informed and believes and thereon alleges
9 that Defendants Michael S. Hunt (Hunt), Janalie Henriques (Henriques), Kurtiss A. Jacobs
10 (Jacobs) and Does 1 through 10, inclusive, and each of them, are either general co-partners,
11 employees or agents of said Defendant Hunt & Henriques, a General Co-Partnership, and
12 were, at all times herein mentioned, acting in the course and scope of such partnership,
13 employment or agency.
- 14 5. That at all times herein mentioned Defendants Hunt, Henriques and Jacobs were and now
15 are attorneys licensed to practice law in the state of California.
- 16 6. That at all times mentioned herein, Defendants Hunt and Henriques, a General Co-
17 Partnership, Hunt, Henriques, Jacobs and Does 1-10, and each of them were acting in the
18 capacity not as attorneys but as "debt collectors" as defined in *Title 15 United States Code*,
19 § 1692a(6).
- 20 7. That on or about April 29, 2010, Defendants Hunt and Henriques a General Co-Partnership,
21 Hunt, Henriques, Jacobs and Does 1-10, and each of them, filed a Complaint for Money
22 against Plaintiff in the Superior Court of the State of California, County of Los Angeles
23 (Van Nuys), entitled FIA Card Services, N A vs. Judith E. Greenberg et al, Case No.
24 10E05131 (Limited Civil), seeking to recover a credit card balance allegedly owed by
25 Plaintiff hereto said creditor. A true copy of said Complaint is attached hereto and
26 marked Exhibit A.
- 27 8. That said complaint alleges that the indebtedness arises out of "common counts" which are
28 implied contracts, and no written contract is alleged. The amount claimed in said lawsuit

includes interest at the rate of 29.99% per annum.

9. That 15 USC 1692k(a)(1), (2)(a) and (3), in relevant part, provides as follows:

"(a) Amount of damages

"except as otherwise provided by this section, any debt collector who fails to comply with any provision of this subchapter with respect to any person is liable to such person in an amount equal to the sum of

" (1) Any actual damage sustained by such person as a result of such failure;

" (2)(a) In the case of any action by an individual, additional damages as the court may allow, but not exceeding \$1000; . . .

" (3) In the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fees as determined by the court. On finding by the court that the action under this section was brought in bad faith and for the purpose of harassment, the court may award to the Defendants attorneys fees reasonable in relation to the work expended and costs."

FIRST CAUSE OF ACTION

(Breach of Statutory Duty-15 USC 1692f(1) and 1692i(a)(2)

(Against Defendants Hunt and Henriques a General Co-Partnership, Hunt, Henriques, Jacobs and Does 1 Through 10 inclusive, and each of them)

10. Plaintiff re-alleges and incorporates herein by this reference the allegations set forth in Paragraphs 1 through 9 as though said allegations were fully set forth herein.

11. As a "debt collector", said Defendants, and each of them, knew or, in the exercise of reasonable care, should have known, the statutory requirements imposed by 15 United States Code 1692 et seq., known as the "Fair Debt Collection Practices Act" (FDCPA).

12. 15 USC 1692f(1) provides as follows:

"A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. Without limiting the general application

of the foregoing, the following conduct is a violation of this section:

"(1). The collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law."

13. That as a "debt collector" to collect a credit card debt, the Defendants, and each of them, knew or should have known through the exercise of reasonable care that all credit card debts and finance charges must be based upon contracts in writing (*15 USC 1601 et seq.*, *Civil Code §§ 1747 et seq.*).
14. That at all times prior to April 29, 2010, said Defendants, and each of them, knew that there was no written credit card contract to justify the debt claimed in Exhibit A attached hereto, inclusive of interest.
15. That said Defendants, and each of them, knew or should have known in the exercise of reasonable care that the alleged obligations sued upon were void and otherwise unenforceable pursuant to *15 USC 1601 et seq.* and *California Civil Code §§ 1747 et seq.*, and thus breached its duty set forth in *15 USC 1692f(1)*.
16. That at all times herein mentioned, Defendants, and each of them, knew or should have known that Plaintiff was a member of the class of Plaintiffs in two actions against FIA, to wit, *Frederick v. FIA Card Services, N.A.*, U. S. District Court for the Central District of California, Case No. CV 09-3419-AG (RNBx) and *Augustine v. FIA Card Services, N.A.*, U.S. District Court, Eastern District of California, Case No. CV 06-02013-GEB-EFB), which cases have now been settled.
17. That at all times herein mentioned Defendants, and each of them, knew that Plaintiff had settled one debt claimed by FIA and that FIA was equitably estopped from seeking to recover any other claim against Plaintiff.
18. That Defendants, and each of them, breached the duties imposed by said statute, proximately resulting in damages to Plaintiff.
19. That as a direct and proximate result of breach of the duties imposed on debt collectors

1 by the foregoing statutes. Plaintiff has sustained damages by way of attorney's fees, costs
2 and attorney's expenses in excess of \$35,000.00, and according to proof.

3 20. That as a further direct and proximate result of the unlawful conduct of Defendants, and
4 each of them, Plaintiff is entitled to penal damages as set forth in *15 USC 1692k* of
5 \$1000.00.

6 21. That by reason of the foregoing, the Defendants, and each of them, have been guilty of
7 oppression, fraud or malice, pursuant to *California Civil Code § 3294(a)* as follows:

8 A. That prior to April 29, 2010, the said Defendants, and each of them,
9 had actual knowledge that the transaction sued upon was void, and
10 that the claim for interest was usurious under California law. That
11 said Defendants, and each of them, intended and continued to intend
12 to oppress the Plaintiff by pursuing such claim, although void and
13 otherwise unenforceable with actual knowledge of its illegality.

14 B. That Defendants, and each of them, knew that, as a matter of Federal
15 and California law, a common court could not justify a credit card
16 debt, but maliciously proceeded to file an action to collect same,
17 forcing alleged debtors to incur legal fees and costs to defend
18 themselves.

19 C. That said conduct against Plaintiff was part of a pattern or practice
20 against alleged debtors throughout California to extract moneys
21 therefrom.

22 22. That as a direct and proximate result of the foregoing, Plaintiff is entitled to exemplary
23 damages from said Defendants, and each of them, as assessed by the court.

24 SECOND CAUSE OF ACTION

25 (Negligence)

26 Against All Defendants

27 23. Plaintiff re-alleges and incorporates herein by reference the allegations set forth in
28 Paragraphs 1 through 20 as though fully set forth herein.

- 1 24. That by reason of the foregoing statutes, the Defendants, and each of them, had a duty
 2 directly to Plaintiff to investigate claims, to assure that any such claims were factually
 3 and legally justified and to only pursue such claims as were factually and legally justified.
 4 25. That the Defendants, and each of them, have failed, and continue to fail, to fulfill that
 5 duty, by proceeding with the lawsuit now pending in Van Nuys, California, and forcing
 6 the Plaintiff to defend herself.
 7 26. That as a direct and proximate result of the foregoing, Plaintiff, in defending herself
 8 has sustained damages in a sum in excess of \$35,000.00 for attorney's fees alone,
 9 together with statutory damages in the sum of \$1000.00, together with court costs and
 10 legal expenses subject to proof.

11
 12 PRAYER

13 Wherefore, Plaintiff prays judgment against Defendants, as follows:

- 14 1. For statutory damages in the sum of \$1000.00;
 15 2. For special damages in excess of \$35,000.00 for attorney's fees incurred,
 16 court costs and legal expenses in defense;
 17 3. For reasonable attorney's fees incurred pursuant to 15 USC 1692k;
 18 4. For costs of suit herein;
 19 5. For such other further relief as the Court may consider just and proper.

20
 21 Respectfully submitted:

22
 23
 24 Date: March 17, 2011

Signed: 

Raymond A. Greenberg

25
 26 ///

EXHIBIT

A

PLD-C-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): HUNT & HENRIQUES, Attorneys at Law Michael S. Hunt, ESQ. #99804 Janalie Henriques, ESQ. #111589 151 Bernal Rd. STE 8, San Jose, CA 95119-1306 TELEPHONE NO: (408) 362-2270 FAX NO. (OPTIONAL) (408) 362-2299 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): PLAINTIFF	FOR COURT USE ONLY ORIGINAL FILED Northwest District APR 29 2010 LOS ANGELES SUPERIOR COURT
SUPERIOR OF CALIFORNIA, COUNTY OF LOS ANGELES COURT 6230 Sylmar Avenue Room 107 STREET ADDRESS: MAILING ADDRESS: Van Nuys CA 91401 CITY AND ZIP CODE: Northwest District BRANCH NAME:	
PLAINTIFF: FIA CARD SERVICES, N.A. DEFENDANT: JUDITH E GREENBERG [] DOES 1 TO _____	
CONTRACT [X] COMPLAINT [] AMENDED COMPLAINT (Number): [] CROSS-COMPLAINT [] AMENDED CROSS-COMPLAINT (Number):	
Jurisdiction (check all that apply): [X] ACTION IS A LIMITED CIVIL CASE 19242.61 Amount demanded [] does not exceed \$10,000 [X] exceeds \$10,000, but does not exceed \$25,000 [] ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) [] ACTION IS RECLASSIFIED by this amended complaint or cross-complaint [] from limited to unlimited [] from unlimited to limited	CASE NUMBER: 10E05131

1. PLAINTIFF* (names): FIA CARD SERVICES, N.A.

alleges causes of action against DEFENDANT* (names):
JUDITH E GREENBERG2. This pleading, including attachments and exhibits, consists of the following number of pages: 43. a. Each plaintiff named above is a competent adult
[X] except plaintiff (name): FIA CARD SERVICES, N.A.[] a corporation qualified to do business in California
[] an unincorporated entity (describe):[X] other (specify): A NATIONAL BANKING ASSOCIATION ORGANIZED AND EXISTING
UNDER AND BY VIRTUE OF THE LAWS OF THE UNITED STATES OF AMERICA

b. [] Plaintiff (name):

[] has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):

[] has complied with all licensing requirements as a licensed (specify):

c. [] Information about additional plaintiffs who are not competent adults is shown in Complaint - Attachment 3c.

4. a. Each defendant named above is a natural person

[] except defendant (name):

[] a business organization, form unknown
[] a corporation
[] an unincorporated entity (describe):

[] a public entity (describe):

[] other (specify):

[] except defendant (name):

[] a business organization, form unknown
[] a corporation
[] an unincorporated entity (describe):

[] a public entity (describe):

[] other (specify):

FILE BY FAX



PLD-C-001

SHORT TITLE:
FIA CARD SERVICES, N.A. V.
JUDITH E GREENBERG

CASE NUMBER:

4. (Continued)

b. The true names and capacities of defendants sued as Does are unknown to plaintiff.

(1) ☐ Doe defendants (specify Doe numbers): _____ were the agents or employees of the named defendants and acted within the scope of that agency or employment.

(2) ☐ Doe defendants (specify Doe numbers): _____ are persons whose capacities are unknown to plaintiff.

c. ☐ Information about additional defendants who are not natural persons is contained in Complaint - Attachment 4c.

d. ☐ Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):

5. ☐ Plaintiff is required to comply with a claims statute, and

a. ☐ plaintiff has complied with applicable claims statutes, or

b. ☐ plaintiff is excused from complying because (specify):

6. ☐ This action is subject to ☐ Civil Code section 1812.10 ☐ Civil Code section 2984.4.

7. This court is the proper court because

a. ☐ a defendant entered into the contract here.

b. ☐ a defendant lived here when the contract was entered into.

c. ☒ a defendant lives here now.

d. ☐ the contract was to be performed here.

e. ☐ a defendant is a corporation or unincorporated association and its principal place of business is here.

f. ☐ real property that is the subject of this action is located here.

g. ☐ other (specify):

8. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

☐ Breach of Contract

☒ Common Counts

☐ Other (specify):

9. ☒ Other: Bank of American Corporation (B of A) and MBNA Corporation (MBNA) merged. B of A and MBNA established FIA Card Services, N.A. (FIA) a credit card bank and effective October 19, 2006 all MBNA and B of A credit card accounts are issued and administered by FIA.

10. PLAINTIFF PRAYS for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

a. ☒ damages of \$ 19242.61

b. ☐ Interest on the damages

(1) ☐ according to proof

(2) ☐ at the rate of _____ percent per year from (date):

c. ☐ attorney fees

(1) ☐ of \$ _____

(2) ☐ according to proof.

d. ☐ other (specify):

11. ☐ The following paragraphs of this pleading are alleged on information and belief (specify paragraph numbers):

Date: April 13, 2010

MICHAEL S. HUNT #99804 OR

JANALIE HENRIQUES #111589

(TYPE OR PRINT NAME)

/s/ Janalie Henriques

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

FILE BY FAX

PLD-C-001(2)

SHORT-TITLE:
FIA CARD SERVICES, N.A. v.
JUDITH E GREENBERG

CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION - Common Counts

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

CC-1. Plaintiff (name):

FIA CARD SERVICES, N.A.

alleges that defendant (name):

JUDITH E GREENBERG

became indebted to ☒ plaintiff ☐ other (name):a. ☒ within the last four years(1) ☒ on an open book account for money due.(2) ☒ because an account was stated in writing by and between plaintiff and defendant in which it was agreed that defendant was indebted to plaintiff.b. ☒ within the last ☐ two years ☒ four years(1) ☐ for money had and received by defendant for the use and benefit of plaintiff.(2) ☐ for work, labor, services and materials rendered at the special instance and request of defendant and for which defendant promised to pay plaintiff☐ the sum of \$☐ the reasonable value.(3) ☐ for goods, wares, and merchandise sold and delivered to defendant and for which defendant promised to pay plaintiff☐ the sum of \$☐ the reasonable value.(4) ☒ for money lent by plaintiff to defendant at defendant's request.(5) ☒ for money paid, laid out, and expended to or for defendant at defendant's special instance and request.(6) ☒ other (specify): UNJUST ENRICHMENT

CC-2. \$ 19242.61, which is the reasonable value, is due and unpaid despite plaintiff's demand, plus prejudgment interest ☐ according to proof ☐ at the rate of _____ percent per year from (date):

CC-3. ☐ Plaintiff is entitled to attorney fees by an agreement or a statute
☐ of \$
☐ according to proof.

CC-4. ☐ Other:


FILE BY FAX

Page 3

Page 1 of 1

Exhibit B

Case Report

 **Case Search**

Case Summary

Case Information

Case Number: 56-2011-00393482-CU-BT-VTA**Case Title:** Judith E Greenberg vs. Hunt & Henriques**Case Category:** Civil - Unlimited**Filing Date:** 3/17/2011**Case Type:** Business Tort**Case Status:** Pending**Judicial Officer:****Location:** Ventura

Participants

Name	Filing Document	Role	Attorney	Filed By
Greenberg, Judith E	Complaint	Plaintiff	Greenberg, Raymond A.	Greenberg, Judith E
Henriques, Janalie	Complaint	Defendant		Greenberg, Judith E
Hunt & Henriques	Complaint	Defendant		Greenberg, Judith E
Hunt, Michael S	Complaint	Defendant		Greenberg, Judith E
Jacobs, Kurtiss A	Complaint	Defendant		Greenberg, Judith E

Future Events

No results found

Past Events

No results found

Register of Actions

ROA #	Entry
1	Complaint filed by Greenberg, Judith E on 03/17/2011. Filed by: Greenberg, Judith E (Plaintiff) Refers to: Hunt & Henriques (Defendant); Hunt, Michael (Defendant); Henriques, Janalie (Defendant); Jacobs, Kurtiss (Defendant)
2	Civil Case Cover Sheet filed by Greenberg, Judith E on 03/17/2011.
3	Declaration for Court Assignment filed by Greenberg, Judith E on 03/17/2011.
4	Case assigned to Department 41.
5	Proof of Service of 30-day Summons & Complaint - Personal (served on Patricia Cristiano receptionist) filed by Greenberg, Judith E on 03/24/2011.
6	Notice of Related Case (LA Superior Court case 10 E 05131) filed by Greenberg, Judith E on 03/25/2011.
7	Proof of service (AMENDED) (of Summons and Complaint by SubService on Patricia Crisostono Receptionist) filed by Greenberg, Judith E on 03/30/2011.
8	Proof of Service of 30-day Summons & Complaint - Substitute (served Ashley Rivera) filed by Greenberg, Judith E on 04/01/2011.

9	Proof of Service of 30-day Summons & Complaint - Substitute (served Ashley Rivera) filed by Greenberg, Judith E on 04/01/2011.
10	Proof of Service of 30-day Summons & Complaint - Substitute (served Ashley Rivera) filed by Greenberg, Judith E on 04/01/2011.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Jacqueline Nguyen and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

CV11- 3469 JHN (JCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Judith E. Greenberg	DEFENDANTS Hunt & Henriques, Michael S. Hunt, Janalie Henriques, Kurtiss A. Jacobs
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Raymond A. Greenberg 1821 LaVente Road Westlake Village, CA 91361; Tel: 805-373-5260	Attorneys (If Known) Jeffrey A. Topor, Arvin C. Lugay Simmonds & Narita LLP 44 Montgomery Street, Suite 3010 San Francisco, CA 94104; Tel: 415-283-1000

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:33%;">PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:33%;">PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	PTF DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4										
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5										
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6										

IV. ORIGIN (Place an X in one box only.)

☐ 1 Original Proceeding
 ☒ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ 536,000 +

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER SEVERAL <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage-Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Wellfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV11-3469

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	California

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date April 22, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))